

## United States Mission to the OSCE

### Session 2: Fundamental Freedoms I

Freedom of thought, conscience, religion or belief

Presentation of activities of the ODIHR and other OSCE institutions and field operations to implement priorities and tasks contained in the OSCE decisions and other documents

As prepared for delivery by Felice Gaer, Commissioner,  
U.S. Commission on International Religious Freedom  
OSCE Review Conference

Warsaw, Poland  
October 1, 2010

OSCE commitments demonstrate the many dimensions of freedom of thought, conscience, religion or belief. The obligation of participating States to respect this fundamental human right was included in the Ten Principles set forth in the 1975 Helsinki Final Act, expanded in Madrid, Vienna and Copenhagen. These commitments call upon participating States to ensure the freedom of the individual “to profess and practice” religion and related rights, which extend beyond worship alone.

President Obama, in his inaugural address, noted the centrality of religious freedom in all its dimensions in the United States. Today, the OSCE enjoys a unique set of institutional mechanisms to implement this right. So, too, the U.S. has distinctive institutions to monitor freedom of thought, conscience, and religion or belief. The U.S. Commission on International Religious Freedom, on which I serve as an appointee of President Obama, is one of those institutions.

While the extensive commitments of OSCE reflect positively on the organization’s contributions to human rights, an increasing number of participating States have abused their responsibility and have introduced measures that undermine the right of individuals and communities of individuals to profess and practice their religion or belief freely. Some of these measures have inappropriately re-defined and restricted the parameters of legitimate, peaceful religious activity. Among these states are Uzbekistan as well as Turkmenistan, Tajikistan, Kyrgyzstan, Kazakhstan, Russia, Belarus, and Azerbaijan.

Religion laws of many participating States still impose difficult registration requirements that deny many religious communities the opportunity to function. Some religion laws in the OSCE region place severe restrictions on domestic, foreign and even private religious education. Still others essentially ban children from participation in religious activities. Moreover, some impose severe restrictions on publication, distribution and import of religious literature, as well as the places and buildings where people are allowed to engage in prayer or meditation. Many such laws establish onerous legal penalties for unregistered religious activity or violation of these provisions.

Other laws are also utilized to further hamper religious organizations. For example, peaceful religious groups have been labelled as “dangerous sectarian,” “extremist,” or even “terrorist” organizations. Individuals are then targeted and prosecuted under vague and overbroad extremism or anti-terrorism laws. All too often, guilt by association serves as the basis for arrests and prosecutions. Misuse of such laws can have the unintended effect of fostering violent extremism. For example, in Russia, any court can declare a religious text to be extremist and later that material is banned throughout the country. Individuals who read or distribute such material, including Jehovah’s Witnesses, followers of Turkish theologian Said Nursi and Scientologists, face potential three-year terms of imprisonment.

For example, unregistered Baptists and other Protestants, and Muslims worshipping at certain mosques in several districts of Kazakhstan, have been targeted by anti-terrorism police as suspected terrorists. Jehovah’s Witnesses in the Russian Federation and elsewhere continue to face undue repressive measures; they are prevented from carrying out their activities in Moscow despite a unanimous court ruling striking down the ban in the Russian capital.

Unwarranted and illegal police raids on places of worship are another result of restrictive laws, leading to arrests of members, confiscation of religious materials, costly legal proceedings, monetary fines or imprisonment.

Campaigns have been conducted by many OSCE States against religious groups viewed as “non-traditional,” “foreign,” or “sects” – affecting Baptists, Pentecostals, Jehovah’s Witnesses, and Hare Krishna, among others. Worrisome practices in this regard have been noted in participating States including, but not limited to, Uzbekistan, Azerbaijan, Belgium, France, Kazakhstan, Germany, and Russia. Hostile legal measures have been aimed at the New Life Church, in Belarus. OSCE commitments require participating States to reject laws that undermine the right to freedom of thought, conscience, religion or belief and repressive measures used to enforce them.

The right to “establish and maintain freely accessible places of worship or assembly” is specifically enshrined in the 1989 Vienna document. On a positive note, the U.S. welcomes steps by Turkey to allow the liturgical celebration of Orthodox believers, led by the Ecumenical Patriarch, at the historic Sumela Monastery and renews President Obama’s call for the Turkish authorities to reopen the Halki Seminary without further delay.

Unfortunately, official and unofficial attempts to halt the construction of mosques and sites of other religious activities continue in many participating States. Muslims in Tajikistan face limits on the number of registered mosques. In Russia, Muslims face unjustified denials of permits to build mosques; other religious communities, particularly those officially viewed as foreign, have faced difficulties in renting houses of worship. In Azerbaijan those mosques not under the direct control of state structures have been destroyed or closed. Last year, a referendum in Switzerland resulted in a ban on construction of any new minarets. Mosques, churches and synagogues not under direct control of state structures have been demolished or threatened with closure in Uzbekistan, Tajikistan and Turkmenistan.

Private groups have opposed the construction of mosques in certain locales in the United States. Some governmental spokespersons and NGO representatives are opposing expressions of intolerance about such houses of worship. President Obama stated his conviction in September 2010 that citizens have a vital role to play: “it is up to us to stand as a beacon of freedom and tolerance and embrace the diversity that has always made us stronger as a people.” A number of individuals and groups disagreed with public opposition to announced plans to build a mosque near the former site of the World Trade Towers. A number of U.S. government officials have noted that there is no legal impediment to the mosque being built in that location and has urged continued dialogue. We note that there are thousands of mosques operating freely all across the United States.

Hostile legal measures aimed at preventing some religious adherents from wearing some religious attire in public settings are underway in some countries, including Belgium and France, resulting in public criticism by a number of European officials.

Distinguished delegates, OSCE participating States are committed to uphold freedom of thought and conscience. This should include the right to challenge the demands of religious and other leaders who would restrict the rights of women to make independent decisions, including on clothing. It is indeed troubling, when a government official in Russia, Chechen leader Ramzan Kadyrov, has encouraged attacks on women who refuse to wear the hijab.

Failure by Governments to defend religious freedom also may contribute to prejudice, discriminatory practices and even violence towards various religious and ethnic minorities. Last year, there were many acts of violence directed against Jews and Jewish religious sites and cemeteries. In addition, there have been violent attacks on synagogues in Russia, Germany, Poland, Belgium, Greece and Kyrgyzstan. Monitoring organizations have cited major increases in anti-Semitic violence in the United Kingdom, Canada and Greece in the last year. Muslim graves have been desecrated in France, Greece, and elsewhere.

Governments should strengthen respect for the rights of minority religious groups, but that is not always the case. Protestants, Jehovah’s Witnesses and Hare Krishnas have been attacked by state-controlled media in Uzbekistan, Kyrgyzstan and Tajikistan. Failure to protect the rights of members of religious minorities contributes to the erosion of not only rights to religious freedom but also to free assembly, expression, and other human rights and fundamental freedoms. So, too, the erosion of other human rights contributes to an environment in which the freedoms of members of all religious communities can be more easily curtailed.

The United States urges participating States to consult with religious leaders, nongovernmental organizations, and the ODIHR Advisory Panel as part of the process of reforming and implementing new religion laws.

As Ambassador Guest noted yesterday “[t]he countries gathered here are a community...Every person in this room...every human being, has a shared interest in seeing OSCE commitments fulfilled. We have to accommodate our differences in ways that respect, fully and completely, the obligations we have freely accepted.” The U.S. calls on each OSCE participating State to adhere more closely to OSCE commitments on freedom of thought, conscience, religion or

belief. People who belong to any peaceful religious community – or those who prefer a secular approach – clearly deserve government respect and protection. In this effort, monitoring and public review plays a vital role. As President Obama remarked in Cairo: “Freedom of religion is central to the ability of peoples to live together. We must always examine the ways in which we protect it.” And that is precisely what we are here to do.